

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUTH FOWLER

Plaintiff,

-against-

SCORES HOLDING COMPANY, INC.,
ENTERTAINMENT MANAGEMENT SERVICES, and
GO WEST ENTERTAINMENT, INC.
Defendants,

1:08-CV-07796(VM)

AFFADAVIT IN OPPOSITION
TO DEFENDANT'S MOTION
TO DISMISS, OR
ALTERNATIVELY FOR
SUMMARY JUDGMENT

RUTH FOWLER, being duly sworn, deposes and says:

1. That I am the Plaintiff in this case and I am fully familiar with the facts and circumstances set forth herein.
2. I was employed as an exotic dancer by SCORES WEST, which was owned, operated and managed by the named defendants in the above-entitled action from approximately September 2005 – December 2005.
3. My familiarity with the business operations of SCORES is based on my observations and experiences working as a dancer at the adult night club.
4. I make this affidavit in opposition to Defendant's motion seeking an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint or in the alternative granting summary judgment .
5. I am originally from the United Kingdom, I am a 2000 graduate of Cambridge University , and I continue to pursue my career as a writer/journalist. I have had two books and numerous articles published.
6. I came to New York to advance my career as a writer, but I didn't earn enough to keep up with my bills.

7. Around September 2005, I auditioned for a position as a topless dancer at SCORES and was immediately hired. SCORES seemed like a glamorous place to work. Celebrities regularly patronized the club. I took the job expecting to earn money just like in any other job. I had previously worked at a couple of other clubs, but SCORES appeared to be a better place to work. **How wrong I was.**
8. SCORES required that I work at least one “busy night” and one “not busy” night, and so I worked three nights a week so that I could earn some money and write during the remaining days.
9. Once I started working at SCORES, I realized that it was different than other nightclubs where I had danced. At SCORES, dancers were not given respect or protected from unruly patrons, and the pay system was different.
10. Every night I worked, I was required to tip my co-workers a portion of my tips, and an additional 20% of those tips were required to be given to the managers. When or if I did not share my tips with the managers, they hassled and intimidated me until I paid them. I felt threatened in a way I had never felt at any other nightclub as a dancer. In addition, I was required to pay the “house moms” otherwise they would make me dance on stage at unfavorable times, and deprive me of other benefits I was supposed to receive.
11. I was also regularly subjected to abuse, both verbally and physically. Managers frequently grabbed and groped the women, including me, and called us vulgar names. The occasions that stand out in my mind related to a manager who I knew as Tommy. The managers did not share their last names with the dancers.

12. Some of the other dancers at the nightclub, who I knew as "Texas Jolie" and "Cleo" warned me that Tommy had a reputation for drugging dancers so that they would perform sexual favors for him.
13. I did not know what to believe until on or about October 18, 2005. Around that day, Tommy told me to come to a private room with him for a moment. As he was my manager, I followed his instructions.
14. During the course of that evening, Tommy gave me an alcoholic beverage which made me feel kind of woozy, and then forced me to perform oral sex on him. He said that I would be fired if I didn't. I depended on this job, and so I unwillingly submitted.
15. I was terrified and on the verge of tears. But I held my composure because I knew that if I did not, I would have been in physical danger.
16. After leaving the room, later that evening, Tommy made me sit a chair, and then he slammed a steak he was eating into my face, causing bruises to my face. Other managers, including as Alex, and the lawyer for Defendants, Steve Gutstein, witnessed Tommy pounding my face with his steak. I was in pain and I felt humiliated.
17. Over the next few days, I started to blame myself, trying to figure out if I had done anything to deserve that treatment. In truth, nobody deserves that sort of treatment, and certainly not an employee. I did not return to work a few days because I was so ashamed and worried. I was scared of Tommy, and I thought everyone was laughing at me at the club.
18. My rent was due soon thereafter, and I depended on the income from Defendants, so I went back despite my fear and anxiety.

19. After this happened, other managers started pestering me for sexual favors because Tommy told them that he had sex with me.
20. I knew it was a terrible place to work, and so I tried auditioning for other clubs on my time off from SCORES within one week of the incidents. But I did not find another job, and so I kept returning to Scores.
21. On another occasion, I was told by my managers that I must give free dances to a man who was a relative of Elliott Osher, one of Defendants' owners. When I objected to working for free, the man verbally abused me and I was given a warning by my managers, which could have led to my firing.
22. Every day that I worked at Scores, I was subjected to abuse in some form. Whether it was the house moms criticizing my appearance or the managers grabbing my butt and touching my breasts, I was emotionally broken down, but I was left without any other employment options .
23. Around the end of December 2005, a group of famous clients came in, (someone told me they were from the popular band Foo Fighters, but I'm not sure) and started chatting with me and asked me for some dances. Then, the DJ called me to the stage to perform.
24. The DJs had a list of dancers and the order in which we would perform that the House Mom provided.
25. After being called to stage on that night in December, I left my drink at the patrons' table, and performed on stage. This was determined by whether or not the dancers tipped the DJ and house moms. When I returned, one of the men started yelling abusive language towards me and started calling me names such as a "stupid fucking slut."

26. When I asked if I could have my drink back, the patron kept yelling obscenities and told me to "fuck off."
27. I started looking at the security guards and managers who were watching the incident happen, but no one came to help me, and the patron continued to verbally abuse me. Part of their job was to protect me, which they refused to do notwithstanding that I paid them house fees to do just that.
28. I felt threatened in a similar manner to how I had felt when Tommy attacked me. And with Tommy, I was not able to defend myself because he was my manager.
29. I felt like I had to stand up for myself because no one else was and I was constantly taking abuse from my supervisors at SCORES. So, in frustration, I poured my drink on the abusive patron.
30. As soon as that happened, the managers came to the table and yelled at me. One of the other men at the table stood up and told the managers that his friend was out of line and that the incident was not my fault. But, the nightclub terminated my employment on the spot.
31. Other dancers had engaged in similar behavior at times, but they weren't fired because they gave sexual favors to the managers.
32. I felt depressed and humiliated yet again.
33. Defendants never provided me with an Employee Handbook or any other policy or procedure for complaining about Tommy's outrageous conduct. Basically, they were all in on the joke and there was nobody to complain to.

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procedure for complaining about Tommy's outrageous conduct. Basically, they were all in on the joke and there was nobody to complain to.


34. Ultimately, the effects of the psychological trauma I experienced while working at Scores has endured. I have flashbacks of being forced to perform sexual acts and of being laughed at after physical assault.

35. My career as a writer remains strong but my state of mind is still defeated. For this reason I determined to bring suit against defendants so that I could have closure on this traumatic experience.

Wherefore: I request that Defendants' motion to dismiss or alternatively for summary judgment be denied in its entirety.


RUTH FOWLER

Sworn to before me this
8th day of October, 2010


Notary Public.

